Numb. 6.

THE OBSERVATOR.

Remarks on the Advantage of Privateers; *On their Encouragement, as Neceſſary to* England *in this War*; *Propoſals for their Encouragement. On Her Majeſties Declaration of War againſt* France *and* Spain.

Wednesday, May 6. 1702.

WHoever rightly conſiders the Management of the late War at Sea, muſt confeſs that the Affairs of the *Privateers* were encompaſſed with many Difficulties. In the beginning of the War it was a long time before an Act was paſt for their Encouragement, and when it was paſt, it prov'd rather a Hardſhip, than an Advantage to the Captors of Prizes, for by that Act they had no relief againſt the Oppreſſion of *Doctors Commons*, nor were they eas'd in the Kings part of the Capture, or in their tranſactions with the Commiſſioners of Prizes, tho by the Account they gave to the Parliament of the execution of their Commiſſion, we find it had been more for the Eaſe and Advantage of the Subject, and the Nation in general, if the King had been allow'd no part; I know it is now in vain to Retriminate on the Proceedings of former Officers, our Buſineſs for the future is to take care to prevent like Miſmanagements; and ſince Mr. *Paſchall*'s chief Argument to excuſe himſelf and the reſt of the Commiſſioners of Prizes, was, *Their not Underſtanding of Accounts and Book-keeping*, if a Commiſſion of Prizes be thought Neceſſary, we ought to appoint ſuch Men for that Service, as ſhall not excuſe *their Loſs of the Nations Treaſure* by the reaſon of *their Ignorance*; and under a good Conſtitution the Privateers of *England* will be a greater Advantage than may appear to ſome at firſt ſight.

But to bring the Conſtitution of Privateers upon a firm and ſettled Baſis, we muſt proceed Regularly, *Removendo prohibens & promovendo adjuvans*, we muſt remove all the Obſtacles that lie in the way of Advantage, and give them all the Encouragement to Profit that may be. This Affair being now under the Conſideration of the *Houſe of Commons*, I ſhould not have intermedled with any thing under the Debate of that *Auguſt Aſſembly*, had I not *Their Authority* for ſo doing..

To remove therefore the Firſt Obſtacle, which is *the ſmall proſpect of Advantage by Letters of Mart and Repriſal*, I think it highly neceſſary that Her Majeſty quit Her Tenths of the Capture, and yet I am not willing that ſo good a Queen ſhould have one Penny leſs of Revenue than any of Her Predeceſſors Kings and Queens of this Realm: And all things rightly conſidered, Her Majeſties quitting Her Tenths of all Prizes will be little or no Loſs to the Crown. It eaſes Her Majeſty of the trouble of anſwering Petitions for Grants of Prizes in the War, and the Parliament of the trouble of reſuming them in time of Peace; it will free Her Majeſty of the Charge of Gun-Money, which in many Prizes taken does amount to a greater Sum than Her Majeſties Tenths comes to, and brings a greater profit to the Captors than their ſhare of the Prize; it will eaſe Her Majeſty of the Charge of a Commiſſion of Prizes, which is very conſiderable; in the late War we had Eight Commiſſioners and One Secretary at 500 *l. per Annum* each, which is 4500 *l.* beſides a Treaſurer, many Clarkes in the Office, Storekeepers and Agents in moſt of the principal Ports of Her Majeſties Dominions, whoſe Salaries added together make an Immenſe Sum, beſides the *Private Way and Means* theſe Men had of making their Fortunes out of the Public Treaſury.

Another Encouragement to Privateers would be by eaſing the Captors in the Condemnation of their Ships; The People of *Doctors Commons* will oppoſe this Article with all the Violence imaginable; but ſhall the Public ſuffer meerly upon the Account of the Private Intereſt of a few *Uſeleſs Perſons*? If their Intereſt outweigh that of the Public, the Standard of *England* is a very falſe Ballance; we are juſt in the Condition of the People of whom *Boccaline* tells a Story, *That they were much infeſted with the Plague, inſomuch that Thouſands Dy'd Weekly; hereupon the States ordered the Virtuoſi, and all the Sons of Medicine, to conſult of ſome effectual Cure, which by Study and Art they at length obtain'd, which the State receiv'd with a great deal of Joy and Thankfulneſs, but while they were deliberating about the proper Methods to make it Public, the Coffin-makers clapt in a Petition againſt the Recipe, and pray'd that it might not be made public becauſe it would effectually ſpoil their Trade of Coffins:* The Traders of *Doctors Commons* will, without doubt, do the ſame by my Recipe, unleſs it be an Advantage to their Diſpenſary.

But to make it Practicable, I would humbly propoſe to the Conſideration of wiſer Heads, That a Perſon well skill'd in the Civil Law, be appointed in every *Maritime County* of *England*, to Condemn all Ships taken as Prizes, as effectually as if Condemn'd in *Doctors Commons*; and to Hear and Determine all Cauſes relating to Caption, Salvage and Dividends, without any Appeal to a Superiour Court; and to prevent any Extrajudicial Sentence in the Perſon thus appointed, to be procured either by *Bribery* or *Intereſt*, that all Cauſes be decided by a Jury conſiſting of one half Maſters of Ships, and the other half of Merchants Traders; The Perſon thus Commiſſioned would alſo be of great uſe to the Royal Navy, in ſerving as a Judge Advocate on all Courts Martial *Super altum Mare*, which are now left to the Management of a Purſer, a Steward, or Boatſwain, or any other Perſon Ignorant in that Affair, to the Corruption of Juſtice, and the Prejudice of the Navy: This indeed would be a great eaſe to the Captors of Prizes, they might Condemn their Prizes

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in the Port they are brought into, without a long attendance at *Doctors Commons*, and the needleſs Charge of employing Sollicitors for that purpoſe.

Another great Eaſe to Privateers would be a ſhort and eaſy determination of Differences betwixt Merchants and Captors about Contraband Goods: In the late War the Fleet of *England* has made a hawl at one time of 50 or 60 Ships from the *Baltick*, Laden with Contraband Goods, theſe Ships have produced Bills of Lading and Paſſes for *Portugal* and *Spain*; and after they have been Clear'd in *England*, have immediatly ſail'd for *France*, by virtue of Paſſes given them by the Reſidents of *France* at the Courts of *Sweden* and *Denmark*. Now the Laws of *Oleron* being very Deficient in this point, and the Laws of *England* by no means binding our Neighbours in relation to Traffick, I humbly conceive it would be neceſſary after the Declaration of War againſt *France*, to have the matter adjuſted and agreed upon betwixt *England*, *Holland*, and the two *Northern Crowns*, that the Parties in time of War may know what Ships are Prize, and what are not, with bringing them into Port.

This will alſo break the Meaſures of the *Smugler*, and be a great benefit to the *Fair Merchant*; For every body knows the Smugling Trade is carried on more in time of War than of Peace, and that as many Ships are taken by *Agreement* as by *Force*; To prevent which, I humbly conceive it neceſſary that all Goods of the Growth and Manufacture of *England*, or of the Iſlands and Plantations thereunto belonging, that are Entered by Coquet at any of our Ports Coaſt-way, be ſecured by ſufficient Bondſmen to be Delivered at the Port where the Ship is Bound; and that upon Certificate of the Officer of that Port that the Goods are thus Delivered, the Bonds thus given ſhall be delivered up; and to prevent any Hardſhips to Merchants relating to ſuch Bonds not taken up in time, the Port Officers Certificate ſhall be allowed as Evidence in Court, in caſe of Proſecution.

The Honourable *Houſe of Commons* having given liberty to Perſons to make Propoſals for the Benefit of *Greenwich* Hoſpital, I humbly Propoſe, That there be a certain Sum out of every Prize taken, appropriated to the uſe of that Hoſpital: And for the further Encouragement of Privateers, that all Perſons Diſabled in any Private Man of War ſhall have the ſame Benefit of the National Proviſion in ſuch caſes, except of the Benefit of the Cheſt at *Chatham*, and of *Smart-Money*, which ſhould be allowed only to ſuch as ſerve in Her Majeſties Ships of War, as a diſtinction betwixt Private and Publick Service; and I know no reaſon why ſuch Marriners as have bravely defended Merchants Ships, and have loſt their Limbs in the Engagement, ſhould not have the like Benefit of the Hoſpital, ſince they all pay 6 *d. per Menſem* out of their Wages towards its ſupport; and ſince by their ſaving the Ship by Fight, ſo great an Advantage comes to the Crown by the *Cuſtome* of her Lading.

Her Majeſties Declaration of War publiſhed on *Monday* laſt againſt *France* and *Spain*, will be received with various Sentiments, as well at Home as Abroad; for it is a Subject that affords much Joy or Grief as well to ſeveral Parties, as Countries and Nations; at Home the Enemies of our preſent Settlement, and ſuch as wiſh for the Decay of *Engliſh Courage* and *Virtue*, and conſequently for the Ruin of this Flouriſhing Iſland, thoſe, I ſay, are much Grieved at a Declaration againſt the *French* King, their Grand Allye, and the Protector of their Little Maſter, the other hope of their Cauſe, by whoſe Aſſiſtance they thought to have Dethron'd Her preſent Majeſty, and with the Act of Settlement to have deſtroy'd the *Liberties* of all the *Free People* of *England*. Abroad, without doubt, this News will be received with a hearty Wellcome; for at this Juncture what can more Encourage the Emperour, the States General, and other the Allies, than to ſee the Queen of *England*, who is in poſſeſſion of all Her Dominions, in no danger of being Invaded by the Exorbitant Power of *France*, to Declare War againſt *France* before the *Dutch* and other Powers, who are liable every day to be Invaded by the *French* Troops?

It's true, the great Indignity offered Her Majeſty as well as People, in the *French* Kings ſupporting an Imaginary Prince with the Title of King of *England*, is an Affront not to be put up; but this Breaks no Bones, this Sinks no Ships, this Plunders no Countries, and Depopulates no Provinces, and our *Porters* may this day, at the *Exchange* of *London*, Proclaim a *Chimney-ſweepers Boy* to be the *French King*, and then there's a *Rowland* for their *Oliver*, and this may they do by the ſame Authority as *Lewis* the 14th makes Kings for *England*, which tho' it be indeed a high Affront, yet the Streſs of Her Majeſties Noble and Generous Declaration of War, ſeemes not to lie ſo much on the Account of *Perſonal Affronts* and *Injuries done to Her*, as it does on the violent Encroachments of the *French* King upon the Lands and Territories of the *Free People* of *Europe*; which certainly is a ſufficient Ground for a *Chriſtian Queen* to Declare War; for can ſuch a Queen, who has the beſt Fleet, a ſtrong Army, compos'd of Men in Courage inferiour to none in *Europe*, that Governs a Rich and Numerous People, willing to ſpend their Money and Lives in defence of the *Common Cauſe*, I ſay can ſuch a Queen, without Remorſe of Conſcience, or Breach of Fidelity to God, and Truſt to Her People, ſuffer Her Proteſtant Neighbours, Her Allies, to be Devour'd by the *French* Tyrant, when She knew that Her *own People*, their *Antient Laws* and *Liberties* would be the next *Bait* for his *Unſanctified Jaws*.

No; Our Mighty *ANNE* has a tender Regard to the Diſtreſſed Condition of the Free People of *Europe*, to whom She is become a *Nurſing Mother*, as well as to Her own Subjects; *Lewis* may now feel the fatal effects of Female Anger from the hands of an Injur'd Queen, who has pronounc'd the Decree in *England* by the Mouths of Her Heralds, which afterwards muſt be Declar'd in *France* by the Mouth of Her Cannons; and *Spain* muſt feel the force of Her extended Arm: Nor is this the firſt time that *Engliſh Valour* and *Conduct* has given Laws to Foreign Contending Powers, and brought the ſtate of *Europe* to a true Ballance.

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